

REMARKS

I. OVERVIEW

This reply is responsive to the Office Action Restriction Requirement dated September 4, 2009 (the "Office Action"). Claims 1–16 are pending. Claims 5–13 are amended, claims 1–3, 14, and 15 are cancelled, and claims 17–24 are new. Support for the new claims and claim amendments can be found in the specification and claims as originally filed. No new matter is presented. Applicant respectfully requests reconsideration of the patent application in light of the following remarks.

II. LACK OF UNITY REJECTION

The Office Action states that the claims lack unity of invention under PCT Rule 13.1 and 13.2 because the compounds defined in the claims lack a significant structural element qualifying as the special technical feature that defines a contribution over the prior art and because of the varying scope of products being claimed in independent claims 1 and 4. Applicant respectfully submits that cancellation of claims 1–3 renders this rejection moot.

III. RESTRICTION REQUIREMENT

The Office Action requires restriction to one of the following two inventions under 35 U.S.C. §§ 121 and 372 in accordance with 37 C.F.R. § 1.499:

Group I: Claim(s) 1-12 and 16, drawn to products of formula I or products of formula I_{C1} or products of formula I_{C2}.

Group II: Claim(s) 13-15, drawn to methods of using products.

Applicant hereby provisionally elects Group I with traverse. Under § 1.499, in order for an Examiner to require a restriction for a national stage application, the Examiner must initially find that the invention lacks unity of invention under § 1.475. Under § 1.475(b)(2), claims in an international or national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to "A product and process of use of said product." Group I, as amended, is drawn to products of formulae I_{C1} and I_{C2}, and Group II are drawn to methods of using the products of formulae I_{C1} and I_{C2}. Applicant respectfully requests that Group II be rejoined upon allowance of the claims of Group I, as the

claims of Group I and II fulfill the unity of invention because the inventions as claimed involve one or more of the same or corresponding special technical features. Applicant reserves the right to file one or more divisional and/or continuation applications directed to the non-elected subject matter.

The Office Action further requires that any claims added after the election must include an indication as to which claims read upon the elected invention. Claims 17, 19 and 20 read upon Group I. Claims 18 and 21–24 read upon Group II.

IV. CONCLUSION

In view of the above remarks, early notification of a favorable consideration and an indication of allowance of all claims is respectfully requested.

This response is being filed within the one-month time period set forth in the Office Action. Accordingly, no fees are due. Should any fees be due to enter and consider this response, however, the USPTO is authorized to charge these fees to **Deposit Account No. 50-0206**.

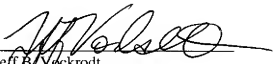
If the Examiner has any questions relating to this response, or the application in general, she is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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By:


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